

2254	1983
FILING FEE PAID	
Yes	No <input checked="" type="checkbox"/>
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Yes	No <input checked="" type="checkbox"/>
COPIES SENT TO	
Court <input checked="" type="checkbox"/>	PreSe <input type="checkbox"/>

Name Andre BRAZZIL
CIM - MSF, SD-110u
 Address P.O. Box 500
CHINO, CALIFORNIA 91708-0500

CDC or ID Number F-39583

FILED
 2007 DEC 27 PM 4:04

CLERK US DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA MC-275

BY Rm DEPUTY

U.S. FEDERAL COURT OF THE STATE CALIFORNIA
IN AND FOR CITY OF SAN DIEGO
 (Court)

<u>ANDRE BRAZZIL</u>
Petitioner
vs.
<u>PEOPLE OF THE STATE OF CALIFORNIA</u>
Respondent
<u>REAL PARTY IN INTEREST</u>

PETITION FOR WRIT OF HABEAS CORPUS
 '07 CV 2421 BTM NLS

No. _____
 (To be supplied by the Clerk of the Court)

INSTRUCTIONS — READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

This petition concerns:

<input checked="" type="checkbox"/> A conviction	<input type="checkbox"/> Parole
<input type="checkbox"/> A sentence	<input type="checkbox"/> Credits
<input type="checkbox"/> Jail or prison conditions	<input type="checkbox"/> Prison discipline
<input type="checkbox"/> Other (specify): _____	

1. Your name: Andre BRAZZIL
2. Where are you incarcerated? CALIFORNIA INSTITUTION FOR MEN AT CHINO
3. Why are you in custody? Criminal Conviction Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reasons for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Felon in Possession of Firearm

- b. Penal or other code sections: PENAL CODE SECTION 12021 (a)(1)
- c. Name and location of sentencing or committing court: Superior Court of California, County of Imperial, El Centro
- d. Case number: JCF 18572
- e. Date convicted or committed: SEPTEMBER 7, 2006
- f. Date sentenced: SEPTEMBER 7, 2006
- g. Length of sentence: 2 years
- h. When do you expect to be released? AUGUST 31, 2007
- i. Were you represented by counsel in the trial court? Yes. No. If yes, state the attorney's name and address: JAVIER GARI BAY

4. What was the LAST plea you entered? (check one)

Not guilty Guilty Nolo Contendere Other: _____

5. If you pleaded not guilty, what kind of trial did you have? N/A

Jury Judge without a jury Submitted on transcript Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

The trial court abused its discretion in failing to rule the charged offense, Possession of a Firearm by a Felon, a misdemeanor, and exceeded its statutory authority in denying petitioner probation and imposed prison because petitioner's alleged status as being A Felon was NOT
(continue on next page)

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

On August 23, 2006, petitioner was arrested for possession of a Firearm, A Revolver, a family's ANT. Gun.

On August 25, 2006, a complaint was filed Alleging that petitioner committed a Felony, namely: Possession of a Firearm by a Felon. See EXHIBIT A.

On September 7, 2006, petitioner withdrew his not guilty plea and pled guilty to Count 1: i.e. only having possessed a Firearm. He did not knowingly admit nor otherwise stipulate that he was a Felon and personally addressed that alleged issue to the Court. See EXHIBIT B, which is attached hereto & incorporated by reference.

The trial court did not advise petitioner of his right to a jury trial on the issue of him being previously convicted allegedly nor obtain his waiver of said right. He did not know this right. Had he known he would have gone to jury trial and the alleged status would not be proven true. No evidence of the alleged felon status was before the court. Petitioner was NOT a felon. Also court did not advise him of his Rights to Confront WITNESSES or Against SELF-INCRIMINATION. Nor did he waive those either.

SEE EXHIBITS C & D

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

In re Yurko (1974) 10 Cal.3d 857, 112 CR 513, 519; In re Bentwright, 15 P.2d 755, 216 C 277 (failed to prove fact of a previous conviction); People v. Baird (1965) 12 Cal. 4th 626, 48 Cal. Rptr. 2d 65; Wash. Ann. Const. art 1, § 28; People v. Bouzane (1991) 53 Cal. 467, 279 Cal. Rptr. 28844;

California v. Cunningham (2007) 115-2007 Daily Journal DAR 1003, Jan. 23, 2007 at p. 15 (An item of the charged offense, essential to a jury's determination of guilt, or admitted in defendant's guilty plea does not qualify as such a circumstance in aggravation.)

ORIGINAL

EXHIBIT "A"
103

L.A. # F-06-04337
GILBERT G. OTERO
District Attorney
Imperial County
County Administration Center, 1st Floor
940 West Main Street
El Centro, CA 92243
Telephone (760) 482-4331

Attorney for Plaintiff

FILED

AUG 25 2006
SUPERIOR COURT
IMPERIAL COUNTY CA
JUDGE O. GUILLEN CLARK
BY DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL

JAIL DEPARTMENT

THE PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff.

vs.

NO.] 818872

**COMPLAINT
(FELONY)**

ANDRE LEWIS BRAZZE

Defendant(s)

THE UNDERSIGNED, ON INFORMATION AND BELIEF, COMPLAINS AND
SAYS, THAT WITHIN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, THE
DEFENDANT(S) COMMITTED THE FOLLOWING CRIME(S) AS FOLLOWS:

COUNT 1

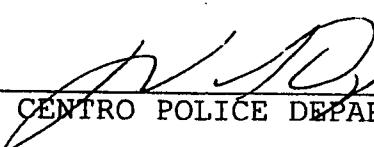
On or about the 23rd day of August, 2006, said defendant(s), **ANDRE LEWIS BRAZZIL** did commit a **FELONY**, namely: **POSSESSION OF FIREARM BY A FELON - PRIOR(S)**, a violation of Section 12021(A)(1)-(f). D. 16-1-01-5-07-000-1

COURT #: CODE/STAT: CONV DATE: COUNTY: STATE: CRT TYPE:
CF-1528 PC459 3/20/96 IMPERIAL CA SUPERIOR

COUNT 2

On or about the 23rd day of August, 2006, said defendant(s), **ANDRE LEWIS BRAZZIL** did commit a **FELONY**, namely: **UNLAWFUL FIREARM ACTIVITY**, a violation of Section 12021(C)(1) of the Penal Code of the State of California, in that said defendant(s): did willfully and unlawfully own, possess, purchase, receive, and have custody and control of a firearm, to wit, **HANDGUN**, the said defendant having been convicted within the immediate past 10 years of the following crimes: 242/243PC; 242/243PC; 245(A)/17B PC.

I declare under penalty of perjury that the foregoing is true and correct and executed on August 25, 2006 at El Centro, California.


EL CENTRO POLICE DEPARTMENT

DISCOVERY REQUEST:

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by Penal Code Section 1054.3.

9/07/06

Amber Ph. n

3 of 3

GILBERT G. OTERO, DISTRICT ATTORNEY

By: *Joseph F. Beard*
JOSEPH F. BEARD
ASSISTANT DISTRICT ATTORNEY

SUBSCRIBED AND SWORN TO BEFORE ME ON _____, AT
EL CENTRO, COUNTY OF IMPERIAL, CALIFORNIA, AND IT APPEARING TO THE
COURT THAT PROBABLE CAUSE EXISTS FOR THE ISSUANCE OF A WARRANT OF
ARREST FOR THE ABOVE-NAMED DEFENDANT(S), THE WARRANT IS SO ORDERED.

JUDGE OF THE SUPERIOR COURT

GGG:cr

Ground 1 Continues

Admitted nor stipulated to by petitioner nor was it otherwise proved by a jury where also the trial court erred in to expressly advise petitioner of his right to a jury trial on the issue of the alleged prior felony conviction status or to obtain a waiver of that right, thereby violating his right to a jury trial. This violates petitioner's rights to due process, 6th and 14th Amendments as guaranteed by U.S. Constitution and State Laws.

Declaration of Andre BRAZZIL

I, Andre BRAZZIL, declare that:

On September 7, 2006, at the preliminary examination proceedings I was arguing with my appointed public defender, Mr. Javier Garibay - I was telling him that I was not a felon! He replied, "Yes, you are!" I argued back, "No! I'm not!" He again replied, "Yes! You are!" Finally, I gave up and turned to the trial judge, Matias R. CONTRERAS. Our dialogue as follow:

ME: "May I ask the Judge a question?"

Judge: "Ask your counselor."

GARIBAY: "Yes. Go ahead."

ME: "I went to jury duty last year and got a check for it. Then how can I be a felon?"

Judge: "Well, MR BRAZZIL? Did you cash that check?"

ME: "Yes."

Judge: "Well, be it!"

When I was asked "how do I plea to possession of a firearm?", I withdrew my 'not guilty' plea and pled guilty. It was my understanding and belief that I was only admitting that I did have my family's treasured old gun in my possession. I NEVER ADMITTED AS TO having been previously convicted of a felon nor did I stipulate knowingly as to such.

The trial court NEVER ADVISED me of my right to a jury trial to resolve and determine the truth to the alleged issue of me having a felon status. Had I known of that

Declaration of Andre Brazzil CONTINUED

right to a jury trial I would have demanded it and gone to trial and it, the alleged felon status, would have not been proven. Nor did the trial court obtain a waiver of my right to a jury trial. I am not a felon.

I am the petitioner in this action. All facts alleged in the above declaration, not otherwise supported by citations to the record, exhibits, or other documents, are true of my own personal knowledge.

I declare under the penalty of perjury that the above is true and correct and that this declaration was executed on 4/25/07, at Chino, California.

Andre Brazzil
ANDRE BRAZZIL
In Pro Per

SUPERIOR COURT OF CALIFORNIA COUNTY OF IMPERIAL	
People Plaintiff, vs. Andres Lewis Brazzil Defendant.	Jud. Officer: <u>Matias R. Contreras</u> Clerk: <u>Carla Reyes</u> Bailiff: <u>Andrew Lowenthal</u> CSR: <u>Leslie Brock</u> Interpreter: <u>Not Required</u> Language: <u>---</u> Plaintiff Counsel/DA: <u>Ben Salorio</u> Defendant Counsel/PD: <u>Javier Garibay</u>
DOB: <u>10-21-69</u>	
Minutes: <u>Preliminary Examination</u>	Case No. <u>JCF18572</u> Jail Court
Date: <u>September 7, 2006</u>	
Charges: <u>Count 1: PC12021(A)(1)</u>	

Defendant present in custody with counsel.

PLEA:

- Defendant advised and understands the maximum penalties, consequences of his plea, the possible defenses
 - consequences of violation of probation possible deportation if not a citizen of the United States
- Court inquired and finds there have been no threats or promises made.
- Defendant advised by the court of the right to a trial, the right of silence, the right to confront and cross-examine witnesses and the right to subpoena witnesses in his behalf; defendant waived each of these rights.
- Stipulation as to the factual basis for the plea.
- The court finds a written oral knowing, intelligent, voluntary, understanding and explicit waiver of constitutional rights and a factual basis for the plea.
- Nature of the charges stated by the Court.
- Defendant withdraws NOT GUILTY plea and enters a plea of
 - GUILTY to Count 1, Felon in Possession of Firearm in violation of penal code section 12021(a)(1), a felony.
- On motion of the District Attorney's Office Count 2 is dismissed.

Counsel requests his client be sentenced forthwith. No objection by the People.

SENTENCING:

- Probation denied. Defendant committed to State Prison Lower Term of 2 years.
- Defendant given credit for 24 days served in the county jail (16+8).
- Pursuant to PC 296 (a) (1), the defendant is required to provide two specimens of blood, a saliva sample, right thumb print, and a full palm print impression of each hand for law enforcement identification analysis.
- Defendant shall pay a restitution fine in the sum of \$ 200.00 pursuant to PC 1202.4(b).
- Defendant shall pay a restitution fine in the sum of \$ 200.00 pursuant to PC 1202.45.
- Matter is set for Receipt of Report on 10/19/06 at 9:00 a.m., County Jail Department.

Defendant is remanded into custody.



9/07/06

Matias R. Contreras

**ABSTRACT OF JUDGMENT – PRISON COMMITMENT – DETERMINATE
SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM**
[Not to be used for multiple count convictions or for 1/3 consecutive sentences]

CR-290.1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: **Imperial**PEOPLE OF THE STATE OF CALIFORNIA vs.
DEFENDANT: **Andre Lewis Brazzil**DOB: **06-18-70**CASE NUMBER
JCF18572AKA:
CII#: **A08638491**
BOOKING #: **865577** NOT PRESENT AMENDED
ABSTRACTCOMMITMENT TO STATE PRISON
ABSTRACT OF JUDGMENTDATE OF HEARING
09-07-06

DEPT. NO.

Jail

JUDGE

Matias ContrerasCLERK
Carla Reyes

REPORTER

Leslie Brock

PROBATION NO. OR PROBATION OFFICER

COUNSEL FOR PEOPLE
Ben Salorio

COUNSEL FOR DEFENDANT

Javier Garibay APPTD.

1. Defendant was convicted of the commission of the following felony:

CNT.	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO/DATE/YEAR)	CONVICTED BY			TERM (L, M, U)	TIME IMPOSED	
						JURY	COURT	PLEA		YRS.	MOS.
1	PC	12021(A)(1)	Felon in Possession of Firearm	2006	09-07-06			X	L	2	0

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

CNT.	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

4. Defendant was sentenced pursuant to PC 667 (b)-(i) or PC 1170.12 (two-strikes).5. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):
Restitution Fine(s): **\$200.00** per PC 1202.4(b) forthwith per PC 2085.5; **\$200.00** per PC 1202.45 suspended unless parole is revoked.Restitution per PC 1202.4(f): \$ _____ / Amount to be determined to victim(s)* Restitution Fund
(*List victim name(s) if known and amount breakdown in item 7 below.)Fine(s): \$ _____ per PC 1202.5. \$ _____ per VC 23550 or _____ days county jail prison in lieu of fine CC CSLab Fee: \$ _____ per HS 11372.5(a) for counts _____ Drug Program Fee of \$150 per HS 11372.7(a).6. TESTING: a. AIDS pursuant to PC 1202.1 b. DNA pursuant to PC 296 c. other (specify):

7. Other orders (specify): Sentencing report to be forwarded at a later date.

8. **TOTAL TIME IMPOSED EXCLUDING COUNTY JAIL TERM:** 2 09. This sentence is to run concurrent with (specify):

10. Execution of sentence imposed

- a. at initial sentencing hearing.
- b. at resentencing per decision on appeal.
- c. after revocation of probation.
- d. at resentencing per recall of commitment. (PC 1170(d).)
- e. other (specify):

11.

DATE SENTENCE PROOUNCED	CREDIT FOR TIME SPENT IN CUSTODY	TOTAL DAYS: 24	ACTUAL LOCAL TIME 16	LOCAL CONDUCT CREDITS 8	<input checked="" type="checkbox"/> 4019	<input type="checkbox"/> 2933.1	TIME SERVED IN STATE INSTITUTION: DMH CDC CRC
09-07-06	INCLUDING:						

12. The defendant is remanded to the custody of the sheriff forthwith after 48 hours excluding Saturdays, Sundays, and holidays.
To be delivered to the reception center designated by the director of the California Department of Corrections.
 other (specify): RJ Donovan

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE
Carla Reyes

DATE

09-07-06

This form is prescribed under PC 1218.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? Yes. If yes, continue with number 13. No. If no, skip to number 15.

13. a. (1) Name of court: N/A

(2) Nature of proceeding (for example, "habeas corpus petition"): N/A

(3) Issues raised: (a) N/A

(b) N/A

(4) Result (Attach order or explain why unavailable): N/A

b. (1) Name of court: N/A

(2) Nature of proceeding: N/A

(3) Issues raised: (a) N/A

(b) N/A

(4) Result (Attach order or explain why unavailable): N/A

(5) Date of decision: N/A

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

N/A

N/A _____

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

PETITIONER HAD NO ACCESS TO JAIL'S NOR PRISON'S LAW LIBRARIES TO RESEARCH. ALSO HAD DELAYS IN OBTAINING COURT DOCUMENTS, SUCH AS THE MINUTE ORDER. NO TRANSCRIPTS ARE AVAILABLE.

16. Are you presently represented by counsel? Yes. No. If yes, state the attorney's name and address, if known:

Page 10 of 10

17. Do you have any petition, appeal, or other matter pending in any court? Yes. No. If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

THERE IS NO OTHER ADEQUATE REMEDY AT LAW TO PRESENT PETITIONER'S CLAIMS
EXCEPT FOR THIS PETITION. THIS COURT HAS PROPER JURISDICTION.

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 1/12/2017 
(Signature of Executive)

► Andre Boryl
(SIGNATURE OF PETITIONER)

CIM - MSF
PROOF OF SERVICE BY MAIL
(C.C.P. §1013a; §2015.5; Fed.R.Civ.P. 5; 28 U.S.C. 1746)

I am over the age of eighteen years, a citizen of the United States, a resident of the State of California, (A) and ~~and not a party~~ to the within action. My mailing address is: CALIFORNIA INSTITUTION FOR MEN, P.O. BOX 500, CHINO, CA 91708.

On the following date: (B) April 25, 2007, I served the following document(s): (C)
PETITION FOR Writ of HABEAS CORPUS; ATTACHED EXHIBITS &
DECLARATION.

On the interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, addressed as follows to the following parties: (D)

<u>Superside Court</u>	<u>DISTRICT ATTYS' OFFICE</u>	<u>ATTY. GENERAL'S OFFICE</u>
<u>Tite Clerk's Office</u>	<u>939 W. MAIN Street</u>	<u>P. O. Box 944055</u>
<u>939 W. Main St.</u>	<u>El Centro, CA 92243-2842</u>	<u>Sacramento, CA 94244-2850</u>
<u>El Centro, CA 92243-2842</u>		

I am readily familiar with the normal business practices for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, in a sealed envelope with postage fully prepaid, it is deposited in a box so provided at the correctional institution in which I am presently confined.

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(F) Name: Benjamin Edwards CDCR#: F39925
Signed: Benjamin Edwards Dated: April 25, 2007

CIM MAILROOM ACKNOWLEDGEMENT OF MAILING

DATED: _____ STAFF: _____

SIGNED: _____

8. Did you appeal from the conviction, sentence, or commitment? Yes. No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

N/A

b. Result: *N/A* c. Date of decision:

d. Case number or citation of opinion, if known: *N/A*

e. Issues raised: (1) *N/A*

(2) *N/A*

(3) *N/A*

f. Were you represented by counsel on appeal? Yes. No. If yes, state the attorney's name and address, if known:

g. Did you seek review in the California Supreme Court? Yes. No. If yes, give the following information:

a. Result: *N/A* b. Date of decision: *N/A*

c. Case number or citation of opinion, if known:

d. Issues raised: (1) *N/A*

(2) *N/A*

(3) *N/A*

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

NO APPEAL WAS TAKEN.

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

N/A

b. Did you seek the highest level of administrative review available? Yes. No. *N/A*
Attach documents that show you have exhausted your administrative remedies.

865578-11818

STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA vs. ANNE L. BRONZIE Defendant.Case No. 572Date 8-25-09
Judge ContrerasDOB _____
SS# _____NEXT COURT APPEARANCE DATE 8/3/09DEPT. 8CHARGES P12021(C)(1)

FOR:

 Enroll/Review/completion Alcohol Program (Care) Entry of plea. Bail/O.R. Review. Pretrial conference. Diversion Hearing. Preliminary Examination. Report to _____ Readiness Hearing Payment Review Jury Trial Court Trial Probation Sentencing Guilty by plea/verdict Continued arraignment Interpreter Required C.C.P. 170.6 Judge _____ Case dismissed To employ own attorney Defense atty. DOUGLAS 4510 Vacate For Interview

Agency

 Other

CUSTODIAL STATUS BEFORE SENTENCE:

 Remanded to custody of Sheriff until next appearance. Remain at liberty on bail. Released on own recognition

SENTENCE AND CUSTODIAL STATUS

 Fine: pay fine of \$ _____ including penalty assessment, less \$ _____

one day in jail for each \$ _____ of fine unpaid by due date of _____

for time served, or spend

Bail \$ _____

 Defendant ordered discharged Jail: Serve _____ days in jail, with credit for time served pursuant to P.C. 2900.5 Sentence to be served consecutively with _____ Stay of execution granted until _____ at _____

and defendant ordered to surrender to Sheriff at that time.

 Probation granted/ other appear in Court on due date at _____ M, if fine remains unpaid. Pay fine of \$ _____ to Clerk of Court at address on reverse side.

To be paid

 By _____

Default in payment of any installment accelerates due date for entire fine to date of default

 O.R. Officer directed to interview defendant & submit written/ oral report

to Judge _____ By _____

 In installments at the rate of

\$ _____ on _____ of each week.

I certify the foregoing is a true copy of the judgment rendered on the above date by the above named Judge.
JOSE O. GUILLEN, CLERK OF THE ABOVE NAME COURT

BY _____

Deputy _____

TO THE SHERIFF: The foregoing certified copy of judgment in the above entitled action is your authority for the execution thereof. DEFENDANT, BEING RELEASED ON HIS OWN RECOGNIZANCE, AGREES THAT: (a) Defendant acknowledges that if he or she is charged with a misdemeanor & willfully fails to appear as required, after being released on his or her own recognition, in order to evade the process of the Court, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 6 months or a \$1,000 fine or both. (b) If he fails to so appear and is apprehended outside the State of California, he waives extradition. (c) Any Court or magistrate of competent jurisdiction may revoke the order of release and either return him to custody or require that he give bail or other assurance of his appearance as provided in part 2, title 10, chapter 1 of Penal Code.

Witnessed by _____ Executed on _____ By _____ Defendant

DISTRIBUTION: D.A. P.D/DEFENSE ATTORNEY JAIL PROBATION DEFENDANT REPORTER O.R. OFFICER

2510 242 004152

865577-22875

IMPERIAL COUNTY SUPERIOR COURT

Jail

DEPARTMENT

STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.

Andrea Lewis, PRINCE

Defendant

Case No. JCL16672

None

Interpreter

9/07/06

Date:

L. BYOCK

Reporter

M. CONNELL

Judge

10/18/70

DOB:

10/18/70

COMMITMENT, CERTIFICATION

APPEARANCES

Defendant and attorney / P.D. Garibay, J. Deputy Dist. Attorney

SACOYD, P.

PRELIMINARY EXAMINATION HELD

Preliminary examination was held on the above date and it appearing to the above named Judge that a felony violation of _____ has been committed and that there is sufficient cause to believe the above named defendant GUILTY thereof, it is ordered that he be held to answer the same.

Court Dismissed

PLEA OF GUILTY

The above named defendant, being charged in a complaint on file in this Court under the above case number, and having entered a plea of GUILTY to a felony violation of _____, it is ordered that this case together with a copy of all proceedings held herein is certified to the Superior Court for this County.

DATE: 9/7/06

JUDGE: Mathew E.

PRELIMINARY EXAMINATION WAIVED

The above named defendant, being charged in a complaint on file in this Court under the above case number, and having waived preliminary examination on the charges, the Court and the District Attorney consenting thereto, it is ordered that he be held to answer the same.

CUSTODIAL STATUS

Defendant committed to Custody of Sheriff.

Admit to bail of \$

Defendant released on his own recognizance.

 Defendant to remain free on bail.

FURTHER PROCEEDINGS

Defendant ordered to report to Probation Department at address on reverse side within one Court day.

 Defendant ordered discharged.

Defendant ordered to appear in Superior Court on _____.

I certify the foregoing is a true copy of the judgment rendered on the above date by the above named Judge.

JOSE O.GUILLEN, CLERK OF THE ABOVE NAMED COURT. BY Mathew E., Deputy.

TO THE SHERIFF: The foregoing certified copy of judgment in the above-entitled action is your authority for the execution thereof. DEFENDANT, BEING RELEASED ON HIS OWN RECOGNIZANCE, AGREES THAT: (a) He/she will appear at all times and places as ordered by the Court or magistrate releasing him/her and as ordered by any Court in which, or any magistrate before whom, the charge is subsequently pending. (b) If he/she fails to so appear and is apprehended outside the State of California, she/he waives extradition. (c) Any Court or magistrate of competent jurisdiction may revoke the order of release and either return him/her to custody or require that he/she give bail or other assurance of his/her appearance as provided in part 2, title 10, chapter 1 of the Penal Code. (d) The acknowledgement of the defendant that he/she has been informed of the consequences and penalties applicable to violation of the conditions of release.

Witnessed by _____

Executed on _____

By _____

Defendant

DISTRIBUTION: D.A. P.D./DEFENSE ATTORNEY

JAIL

PROBATION

DEFENDANT

SUPERIOR COURT

hp officejet 4200 series 4215xi
Printer/Fax/Copier/Scanner

Personal

Log for
LILIANA SALDANA
7603525537
12/18/2007 8:39PM

Last Transaction

Date	Time	Type	Identification	Duration	Pages	Result
12/18	08:38p	Received		0:38	0	No fax

hp officejet 4200 series 4215xi
Printer/Fax/Copier/Scanner

Personal

Log for
LILIANA SALDANA
7603525537
12/18/2007 5:56PM

Last Transaction

Date	Time	Type	Identification	Duration	Pages	Result
12/18	05:55p	Received		0:38	0	No fax

COURT OF APPEAL - STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION ONE

F I L E D
Stephen M. Kelly, Clerk

FILED

SEP 28 2007

SUPERIOR COURT
IMPERIAL COUNTY CA
ROBIN C. MURRAY, CLERK
BY DEPUTY

G. HERNANDEZ

In re ANDRE BRAZZIL on Habeas Corpus
D051675
Imperial County No. EHC00865

SEP 26 2007

Court of Appeal Fourth District

THE COURT:

The denial of a petition for writ of habeas corpus is not appealable. The appeal is
DISMISSED.

Presiding Justice

cc: All Parties

I am a citizen of the United States, over 18 years of age, and not a party to the within action; that my business address is 750 B Street, Suite 300, San Diego, CA 92101; that I served a copy of the attached material in envelopes addressed to those persons noted below.

That said envelopes were sealed and shipping fees fully paid thereon, and thereafter were sent as indicated via the U.S. Postal System from San Diego, CA 92101.

I certify under penalty of perjury that the foregoing is true and correct.

Stephen M. Kelly, Clerk of the Court

Rita Rodriguez
Deputy Clerk

7-26-07
Date

CASE NUMBER: D051675

Office of the Clerk
Imperial County Superior Court - Main
939 West Main Street
El Centro, CA 92243

Material Sent YES:

Office of the Attorney General
P. O. Box 85266
San Diego, CA 92186-5266

Material Sent YES:

Andre Brazzil
DOB:10/21/1969
354 Calvry Drive
El Centro, CA 92243

Material Sent YES:

COURT OF APPEAL - STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION ONE

Imperial County Superior Court - Main
939 West Main Street
El Centro, CA 92243

RE: In re ANDRE BRAZZIL on Habeas Corpus
D051675
Imperial County No. EHC00865

* * * REMITTITUR * * *

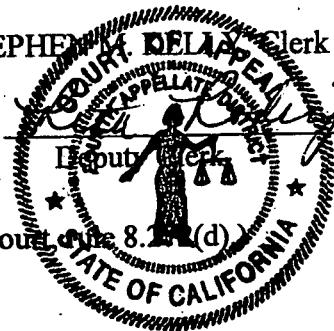
I, Stephen M. Kelly, Clerk of the Court of Appeal of the State of California, for the Fourth Appellate District, certify the attached is a true and correct copy of the original opinion or decision entered in the above-entitled case on September 26, 2007, and that this opinion or decision has now become final.

Appellant Respondent to recover costs.
 Each party to bear own costs.
 Costs are not awarded in this proceeding.

Witness my hand and the seal of the Court affixed this NOV 26 2007

STEPHEN M. KELLY, Clerk

By:



cc: All Parties (Copy of remittitur only, Cal. Rules of Court, rule 8.14(d))

AFFIDAVIT OF TRANSMITTAL

I am a citizen of the United States, over 18 years of age, and not a party to the within action; that my business address is 750 B Street, Suite 300, San Diego, CA 92101; that I served a copy of the attached material in envelopes addressed to those persons noted below.

That said envelopes were sealed and shipping fees fully paid thereon, and thereafter were sent as indicated via the U.S. Postal System from San Diego, CA 92101.

I certify under penalty of perjury that the foregoing is true and correct.

Stephen M. Kelly, Clerk of the Court

Rita Rodriguez
Deputy Clerk

NOV 26 2007

Date

CASE NUMBER: D051675

Office of the Clerk
Imperial County Superior Court - Main
939 West Main Street
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Office of the Attorney General
P. O. Box 85266
San Diego, CA 92186-5266

Material Sent YES:

Andre Brazzil
DOB:10/21/1969
354 Calvry Drive
El Centro, CA 92243

Material Sent YES:

Appellate Defenders, Inc.
555 West Beech St., Suite 300
San Diego, CA 92101-2936

Material Sent YES:

Office of the District Attorney
Appellate Division
330 West Broadway, Suite 920
San Diego, CA 92101

Material Sent YES:

District Attorney
940 Main Street, Suite 102
El Centro, CA 92243

Material Sent YES:

Department of Corrections and Rehabilitation
P.O. Box 942883
Sacramento, CA 94283-0001

Material Sent YES:

Youth Authority
4241 Williamsborough Dr.
Sacramento, CA 94283

Material Sent YES:

**ABSTRACT OF JUDGMENT – PRISON COMMITMENT – DETERMINATE
SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM**
(Not to be used for multiple count convictions or for 1/3 consecutive sentences)

CR-290.1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: Imperial		FILED																							
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: Andre Lewis Brazill AKA: CI#: A08638491 BOOKING #: 865577		DOB: 06-18-70 <input type="checkbox"/> NOT PRESENT	CASE NUMBER JCF18572																						
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT		<input type="checkbox"/> AMENDED ABSTRACT																							
DATE OF HEARING 09-07-06	DEPT. NO. Jail	JUDGE Matias Contreras																							
CLERK Carla Reyes	REPORTER Leslie Brock	PROBATION NO. OR PROBATION OFFICER																							
COUNSEL FOR PEOPLE Ben Salorio		COUNSEL FOR DEFENDANT Javier Garibay																							
		<input checked="" type="checkbox"/> APPTD.																							
<p>1. Defendant was convicted of the commission of the following felony:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">CNT.</th> <th style="width: 10%;">CODE</th> <th style="width: 10%;">SECTION NUMBER</th> <th style="width: 60%;">CRIME</th> <th style="width: 10%;">YEAR CRIME COMMITTED</th> <th style="width: 10%;">DATE OF CONVICTION (MO/DATE/YEAR)</th> <th colspan="3">CONVICTED BY</th> <th style="width: 10%;">TERM (L.M.S)</th> <th style="width: 10%;">TIME IMPOSED</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>PC</td> <td>12021(A)(1)</td> <td>Felon in Possession of Firearm</td> <td>2006</td> <td>09-07-06</td> <td><input type="checkbox"/> JURY</td> <td><input type="checkbox"/> COURT</td> <td><input type="checkbox"/> PLEA</td> <td>X</td> <td>2 0</td> </tr> </tbody> </table>				CNT.	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO/DATE/YEAR)	CONVICTED BY			TERM (L.M.S)	TIME IMPOSED	1	PC	12021(A)(1)	Felon in Possession of Firearm	2006	09-07-06	<input type="checkbox"/> JURY	<input type="checkbox"/> COURT	<input type="checkbox"/> PLEA	X	2 0
CNT.	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO/DATE/YEAR)	CONVICTED BY			TERM (L.M.S)	TIME IMPOSED															
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<p>2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">CNT.</th> <th style="width: 10%;">ENHANCEMENT</th> <th style="width: 10%;">Y/S</th> <th style="width: 10%;">TOTAL</th> </tr> </thead> <tbody> <tr> <td></td> </tr> </tbody> </table>				CNT.	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL												
CNT.	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL																
<p>3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">ENHANCEMENT</th> <th style="width: 10%;">Y/S</th> <th style="width: 10%;">TOTAL</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL													
ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL																	
<p>4. <input type="checkbox"/> Defendant was sentenced pursuant to PC 667 (b)-(i) or PC 1170.12 (two-strikes).</p> <p>5. FINANCIAL OBLIGATIONS (including any applicable penalty assessments): Restitution Fine(s): \$200.00 per PC 1202.4(b) forthwith per PC 2085.5; \$200.00 per PC 1202.45 suspended unless parole is revoked. Restitution per PC 1202.4(f): <input type="checkbox"/> \$ _____ / <input type="checkbox"/> Amount to be determined to <input type="checkbox"/> victim(s)* <input type="checkbox"/> Restitution Fund (*List victim name(s) if known and amount breakdown in item 7 below.) Fine(s): \$ _____ per PC 1202.5. \$ _____ per VC 23550 or _____ days <input type="checkbox"/> county jail <input type="checkbox"/> prison in lieu of fine <input type="checkbox"/> CC <input type="checkbox"/> CS Lab Fee: \$ _____ per HS 11372.5(a) for counts _____ <input type="checkbox"/> Drug Program Fee of \$150 per HS 11372.7(a).</p>																									
<p>6. TESTING: a. <input type="checkbox"/> AIDS pursuant to PC 1202.1 b. <input checked="" type="checkbox"/> DNA pursuant to PC 296 c. <input type="checkbox"/> other (specify): <i>Teal</i></p> <p>7. Other orders (specify): <i>Over 6 months</i> Sentencing report to be forwarded at a later date.</p>																									
<p>8. TOTAL TIME IMPOSED EXCLUDING COUNTY JAIL TERM: <i>6 months</i> 2 0</p>																									
<p>9. <input type="checkbox"/> This sentence is to run concurrent with (specify):</p> <p>10. Execution of sentence imposed</p> <p>a. <input checked="" type="checkbox"/> at initial sentencing hearing.</p> <p>b. <input type="checkbox"/> at resentencing per decision on appeal.</p> <p>c. <input type="checkbox"/> after revocation of probation.</p> <p>d. <input type="checkbox"/> at resentencing per recall of commitment. (PC 1170(d).)</p> <p>e. <input type="checkbox"/> other (specify):</p>																									
11. DATE SENTENCE PROOUNCED 09-07-06		CREDIT FOR TIME SPENT IN CUSTODY 24	TOTAL DAYS: TIME 16 INCLUDING: LOCAL CONDUCT CREDITS 8	<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1	TIME SERVED IN STATE INSTITUTION: DMH COURT OF CALIFORNIA CRC																				
<p>12. The defendant is remanded to the custody of the sheriff <input checked="" type="checkbox"/> forthwith <input type="checkbox"/> after 48 hours excluding Saturdays, Sundays, and holidays.</p> <p>To be delivered to <input type="checkbox"/> the reception center designated by the director of the California Department of Corrections.</p> <p><input checked="" type="checkbox"/> other (specify): RJ Donovan</p>																									

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE:

Carla Reyes

DATE

09-07-06

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE
SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM

(Not to be used for multiple count convictions or for 1/3 consecutive sentences)

CR-290.1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: IMPERIAL

FILED

PEOPLE OF THE STATE OF CALIFORNIA vs.
DEFENDANT: ANDRE LEWIS BRAZZIL

DOB: 06-18-70

CASE NUMBER
JCF18572AKA:
CII#: A08638491
BOOKING #: 865577 NOT PRESENTCOMMITMENT TO STATE PRISON
ABSTRACT OF JUDGMENT AMENDED
ABSTRACT

DATE OF HEARING

09-07-06

DEPT. NO.

JAIL

JUDGE

MATIAS R. CONTRERAS

CLERK

CARLA REYES

REPORTER

LESLIE BROCK

PROBATION NO. OR PROBATION OFFICER

MARIA HILL

COUNSEL FOR PEOPLE

BENJAMIN SALORIO

COUNSEL FOR DEFENDANT

JAVIER GARIBAY

 APPTD.

1. Defendant was convicted of the commission of the following felony:

CNT.	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			TERM (L.M.U.)	TIME IMPOSED
						JURY	COURT	PLEA		
1	PC	12021(A)(1)	FELON IN POSSESSION OF FIREARM	2006	09-07-06			X	M	2 0

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

CNT.	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ÉNHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

4. Defendant was sentenced pursuant to PC 667 (b)-(i) or PC 1170.12 (two-strikes).

5. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

Restitution Fine(s): \$200.00 per PC 1202.4(b) forthwith per PC 2085.5; \$200.00 per PC 1202.45 suspended unless parole is revoked.

Restitution per PC 1202.4(f): \$ / Amount to be determined to victim(s) Restitution Fund

(*List victim name(s) if known and amount breakdown in item 7 below)

Fine(s): \$ per PC 1202.5. \$ per VC 23550 or days county jail prison in lieu of fine CC CSLab Fee: \$ per HS 11372.5(a) for counts Drug Program Fee of \$150 per HS 11372.7(a).6. TESTING: a. AIDS pursuant to PC 1202.1 b. DNA pursuant to PC 296 c. other (specify):

7. Other orders (specify):

M.D. gave me to much time

8. TOTAL TIME IMPOSED EXCLUDING COUNTY JAIL TERM

2 0

9. This sentence is to run concurrent with (specify):

10. Execution of sentence imposed

d. at resentencing per recall of commitment. (PC 1170(d).)e. other (specify):

- a. at initial sentencing hearing.
- b. at resentencing per decision on appeal.
- c. after revocation of probation.

11. DATE SENTENCE PROOUNCED	CREDIT FOR TIME SPENT IN CUSTODY	TOTAL DAYS: 24 INCLUDING:	ACTUAL LOCAL TIME 16	LOCAL CONDUCT CREDIT	4019 2933.1	TIME SERVED IN STATE	DMH	CDC	CRC
09-07-06									

12. The defendant is remanded to the custody of the sheriff forthwith, except for 18 hours excluding Saturdays, Sundays, and holidays. To be delivered to the reception center designated by the Director of the California Department of Corrections. other (specify): R.J. DONOVAN

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the sentence made in this action.

DEPUTY'S SIGNATURE

ARTHUR G. TAFFOLI

07-03-07

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

Name Andre BRAZZIL
CIM - MSF, SD-110u
Address P.O. Box 500
CHINO, CALIFORNIA 91708-0500

CDC or ID Number F-39583

FILED

MAY 09 2007

SUPERIOR COURT
IMPERIAL COUNTY CA.
JOSE A. GUILLEN, CLERK
BY C. Daugherty DEPUTY

U.S. FEDERAL COURT OF THE STATE CALIFORNIA
IN AND FOR THE ~~the~~ city of SAN DIEGO
(Court)

ANDRE BRAZZIL
Petitioner
vs.
PEOPLE OF THE STATE OF CALIFORNIA
Respondent
REAL PARTY IN INTEREST

PETITION FOR WRIT OF HABEAS CORPUS

No.

EAC 00865

(To be supplied by the Clerk of the Court)

INSTRUCTIONS — READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.

- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished the Supreme Court and Court of Appeal.

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

(a) PLAINTIFFS

Andre Brazzil

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Bernardino
(EXCEPT IN U.S. PLAINTIFF CASES)

2254 EDITION 1983

FILING FEE PAID	
Yes	No
HFP MOTION FILED	
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT	
Yes	No U.S. PLAINTIFF CASES ONLY
COPIES SENT TO	
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND	
Court	Plsue
ATTORNEYS (IF KNOWN)	

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Andre Brazzil
PO Box 500
Chino, CA 91708
F-39583

2007-DEC 27 PM 4:04

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIABY *R. Muller* DEPUTY

'07 CV 2421 BTM NLS

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

U.S. Government Plaintiff 3 Federal Question
(U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(For Diversity Cases Only)

Citizen of This State	<input type="checkbox"/> PT <input type="checkbox"/> DEF	Incorporated or Principal Place of Business in This State <input type="checkbox"/> PT <input type="checkbox"/> DEF
Citizen of Another State	<input type="checkbox"/> 1 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> K20 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> K30 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> K40 Trademark	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	SOCIAL SECURITY	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> K61 HIA (13958)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> K62 Black Lung (923)	<input type="checkbox"/> K91 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> K63 DIWC/DIWW (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> Habeas Corpus	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input checked="" type="checkbox"/> 530 General	FEDERAL TAX SUITS	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> R70 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> R71 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 990 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding 2 Removal from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE

December 27, 2007

SIGNATURE OF ATTORNEY OF RECORD

R. Muller